

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN BUHL,

Plaintiff,

v.

SGT. TANGUAY,

Defendant.

Case No. 24-12192

Honorable Laurie J. Michelson

Magistrate Judge Elizabeth A. Stafford

**ORDER REJECTING OBJECTION TO THE
REFERRAL OF THIS MATTER UNDER 28 U.S.C. § 636(b)(1)
(ECF NO. 37)**

Plaintiff John Buhl objects to the Honorable Laurie J. Michelson's referral of all pretrial matters to the undersigned, arguing that he did not consent to this Court exercising jurisdiction over his case under 28 U.S.C. § 636(c). ECF No. 37. Section 636(c) requires a party to consent to a magistrate judge conducting "any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case."

But Judge Michelson referred this matter under § 636(b)(1). No consent is needed when a district judge refers a matter for a magistrate judge to decide nondispositive pretrial matters under § 636(b)(1)(A), or to issue reports and recommendations on dispositive matters under

§ 636(b)(1)(B). The Supreme Court found that parties' due process rights are adequately protected by § 636(b)(1). *United States v. Raddatz*, 447 U.S. 667, 680 (1980). And it described "referrals of pretrial but case-dispositive matters under § 636(b)(1)" as "nonconsensual." *Roell v. Withrow*, 538 U.S. 580, 585 (2003).

So Buhl's objection to the referral order lacks merit and is **DENIED**.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: February 10, 2025

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **"When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge."** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 10, 2025.

s/Davon Allen
DAVON ALLEN
Case Manager